

**PROTO-WORX**  
**Disability Management Specialists**

**Stephen C. Goldblum, Esquire**  
**SEMANOFF ORMSBY GREENBERG & TORCHIA, LLC**  
**2617 Huntingdon Pike**  
**Huntingdon Valley, PA 19006**  
**sgoldblum@sogtlaw.com**

**REFERENCE: Barbara Kurzmann v. Hatboro Federal Savings**  
**PROTO-WORX #: L1701**

**VOCATIONAL ASSESSMENT**

**AND**

**WAGE LOSS ANALYSIS**

**September 14, 2021**

**John W. Dieckman, MS, CRC, CDCMS**  
**Assistant Vocational Director**

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## **Overview**

This matter was referred for purposes of a vocational and economic assessment in the matter of Barbara Kurzmann v. Hatboro Federal Savings.

Barbara Kurzmann was employed as a branch manager at Hatboro Federal Savings when she was terminated on August 17, 2016. She has alleged unlawful discharge and has initiated an EEOC complaint and suit against Hatboro Federal Savings.

I have been asked by Stephen Goldblum, Esq. to offer an opinion whether Ms. Kurzmann has experienced a loss of earnings or any other economic loss as a result of Hatboro Federal Savings' alleged unlawful termination action.

By way of background, I am a certified rehabilitation counselor for 34 years and have been certified as a disability management specialist for an equal amount of time. I have regularly offered opinions regarding lost earnings and earning power both for plaintiffs and defendants. I have offered testimony regarding unlawful termination and ADA accommodations both for the plaintiff and for the defendant. I have also assisted employers in documenting ADA compliant job descriptions.

## **Background/Relevant History**

Barbara Kurzmann received a high school diploma from Pennsbury High School in 1984. She has no college or additional formal education but has taken bank and related classes through her employment. She was a notary, although she testified that her certification expired in 2019. She stated in her deposition that she has some familiarity with Microsoft Word and Excel but has no knowledge of computer software other than programs specifically designed for banking.

Ms. Kurzmann began work as a teller for Hatboro Federal Savings approximately 18 years prior to her termination in August 2016. She testified in her deposition (page 9) that she began as a teller, was promoted to an assistant manager and eventually was promoted to branch manager. She testified she was in the position of branch manager for approximately five years at the time of her termination but revised that to indicate she has been a branch manager since 2007 (page 82), nine years prior to her termination.

Ms. Kurzmann had the following work history following her termination from Hatboro Federal Savings:

She worked at Univest Corporation of Pennsylvania beginning in March 2017 as a **teller**, earning \$14 per hour and working 37.5 hours per week until November

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2017. At that time, she was terminated because she did not make her sales quotas. She did not work from the time of her termination in August 2016 until securing this employment in March 2017.

She was unemployed for a brief amount of time before beginning work as a **cashier** at the Giant Food store in Southampton, PA in June 2018, earning \$10 per hour, working 12 hours per week. At the same time, she began work as a **receptionist** at Willow Landscaping, earning \$17 per hour, working 30 hours per week.

She left both jobs around April 2019 for employment as a **receptionist** at Toto Financial LLC where she earned \$15 per hour, working 25 – 30 hours per week. This employment ended on September 10, 2019 when the proprietor of that company passed away.

Ms. Kurzmann has not been employed since September 2019 although she has received unemployment benefits. When asked about her efforts to find alternate employment, she testified in her deposition that she has not applied to any other banks since Univest and she does not want to continue in the banking field (page 244). She further testified that she would prefer employment as a receptionist in a small mom-and-pop company or possibly working from home, as she fears COVID.

She estimated that she applied for approximately six jobs in 2021 but could remember no precise details. When asked what type of jobs, she recalled only that she applied for a receptionist job at a veterinary's office (page 226). She also recalled in her deposition that she received a response from Wesley's Enhanced Nursing but received no job offer from that employer. She could not even estimate how many jobs she applied for in 2020 (page 229).

In applying for jobs, she used the website indeed.com as well as CareerLink. She acknowledged that she often goes online to "look" at different jobs without necessarily applying. She was clear that she does not want to return to the field of banking (page 264).

### **Discussion regarding Economic Loss**

Tax returns for the years 2016, 2017, 2018 and 2019 were reviewed as were W-2s for both Ms. Kurzmann and her husband.

In 2016, the year of her termination, she had earnings from Hatboro Federal Savings of \$33,948. Her termination was August 17, 2016. Prorated over the entire year, her earnings were expected to have been \$55,165.

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W-2s and tax returns also reflect a pension distribution of \$33,351. W-2s from additional years correspond to her employment history post Hatboro Federal Savings as described above.

In her responses to defendant's interrogatories, Ms. Kurzmann makes a claim for back pay and benefits are valued at \$369,501.29. This is derived by taking her annual compensation in 2016 (\$87,082.40 wages and benefits), multiplying that by 4.6 (years) and subtracting her wages from other employers until the present (\$31,077.75).

That document also makes a claim for front pay which is valued at three years, equivalent to \$240,979.10.

Ms. Kurzmann also claims: "Furthermore, Plaintiff was severely distraught over being unceremoniously terminated from her 18-year banking career and has since been forced to work sporadic, low-skill jobs or jobs outside her preferred field, earning over that time 8 – 10% of what she would have earned had she not been terminated."

That last assertion is contradicted by her own deposition testimony. Ms. Kurzmann acknowledged that she does not want to return to the field of banking, and that banking is no longer "her preferred field." Her testimony further indicated that she purposely sought out positions such as receptionist or customer service, work-at-home positions, citing COVID as well as a desire to change careers.

Her efforts to find alternate employment since Univest have been meager, to say the least. She estimates applying for perhaps six jobs in 2021 and could not say how many, if any, she applied for in 2020.

As noted above, she did not obtain employment from the time of her termination in August 2016 until finding a part-time position in banking in March 2017. This is an unreasonable lack of employment for someone with such strong credentials in the banking industry.

Ms. Kurzmann has 18 years of experience in the banking industry and achieved the position of a branch manager. If she had chosen to continue in her preferred field, she has the credentials and experience to replicate her salary at Hatboro Federal Savings.

According to the Department of Labor, Bureau of Labor Statistics, in 2017, Business Operations Specialists in the financial field had average earnings of \$82,370. In the current labor market, the Department of Labor advises a similar position has a current annual earning capacity calculated at \$90,680. Given her

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experience, Ms. Kurzmann could have easily replicated – and most likely surpassed – her expected salary of \$55,165 including benefits in the field of banking. And given the wage inflation and distressed job market of 2021, her earning capacity and odds of finding similar work in the banking industry would have only improved for her.

Since she choose to leave the field of banking, she will have diminished earning capacity outside her field of expertise. Given her background in finance, she can work as a brokerage clerk, new account clerk, loan interviewer, information clerk or customer service representative. In the Philadelphia labor market, these careers offering annual salaries between \$40,080 and \$60,450, with an average of \$47,214.

43-4011	<u>Brokerage Clerks</u>	\$28.44	\$29.06	\$60,450
43-4051	<u>Customer Service Representatives</u>	\$18.86	\$20.23	\$42,080
43-4141	<u>New Accounts Clerks</u>	\$20.15	\$20.35	\$42,330
43-4131	<u>Loan Interviewers and Clerks</u>	\$20.54	\$20.53	\$42,700
43-4199	<u>Information and Record Clerks, All Other</u>	\$23.36	\$23.32	\$48,510

Source: *Bureau of Labor Statistics, Philadelphia – Camden – Wilmington Statistical Metropolitan area, May 2020*

This compares very favorably to her projected salary at Hatboro Federal Savings of \$55,165 per year.

In summary, Ms. Kurzmann was terminated from her employment at Hatboro Federal Savings where she was projected to have annual earnings of \$55,165, absent the value of benefits. She testified she worked briefly in the banking industry at Univest. Afterward, she did not pursue any employment attempts related to the banking industry but chose to work part-time as a cashier and receptionist.

Her argument for loss of wages does not account for the fact that she has made the decision to no longer work in the banking industry and has instead chosen to apply to positions with a much less lucrative salary. Her attempts to achieve employment have been sparse, hardly representative of someone who is eager to reenter the workforce and maximize her earning potential.

Even if she chose to leave the field of banking, Ms. Kurzmann nonetheless has an income potential with an average earning of \$47,214 as of 2020.

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Her complaints of lost wages are unsubstantiated. To the contrary, her loss of income is attributable to her minimal efforts to find alternate employment in fields unrelated to banking.

Hatboro Federal Savings is not responsible for her claimed economic losses, which are speculative and without foundation.

### **Conclusions**

Since her termination from Hatboro Federal Savings, Ms. Kurzmann worked briefly as a teller but was terminated for failing to meet sales goals. Since then, she has sought employment as a cashier and receptionist on a part-time basis. She acknowledged that she has placed relatively few applications in all of 2021 and was uncertain how many, if any, were placed in 2020.

She alleges she is no longer able to work in her preferred field of banking, however, in her deposition she indicated she has no desire to return to the field of banking, an assertion which is substantiated by her actions. She has applied for employment as a cashier and receptionist with no consideration given to the field of banking in which she has significant experience.

Given this post-employment history, it is my professional opinion that Hatboro Federal Savings is not responsible for Ms. Kurzmann's loss of earnings, but these losses are a reflection of her own choices. It is also my opinion that Ms. Kurzmann has not attempted to mitigate her economic losses to the extent consistent with someone who is making good faith efforts to find employment. As such, Hatboro Federal Savings is not responsible for any losses by the Plaintiff and is not responsible for economic damages as enumerated in the Complaint and her response to interrogatories.

Thank you for the opportunity to provide this evaluation.

*I offer this opinion within a reasonable degree of professional certainty. I reserve the right to amend and change this opinion based upon any additional medical or vocational information which is presented.*

Sincerely,

*John W. Dieckman, MS, CRC, CDCMS*  
*(Signed electronically)*

John Dieckman, MS, CRC, CDCMS  
Assistant Vocational Director

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JWD/sm

*Sources: Bureau of Labor Statistics, Philadelphia – Camden – Wilmington Statistical  
Metropolitan area, May 2020*

*Bureau of Labor Statistics, Philadelphia – Camden – Wilmington Statistical  
Metropolitan area, May 2017*